

**AN ORDINANCE
BY TRANSPORTATION COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT AN EASEMENT TO DELTA AIR LINES, INC. OVER AND UNDER PROPERTY LOCATED AT HARTSFIELD JACKSON ATLANTA INTERNATIONAL AIRPORT FOR THE PURPOSE OF HOUSING FIBER COMMUNICATIONS EQUIPMENT THAT WILL CONNECT THE AIRPORT TERMINALS AND CONCOURSES WITH VARIOUS DELTA FACILITIES ON AND AROUND THE AIRPORT AND THAT WILL PROVIDE THE CITY WITH A RIGHT TO USE DELTA'S COMMUNICATIONS DUCT FOR THE CITY'S CONNECTIVITY NEEDS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, Delta Air Lines, Inc. has installed a communications duct to provide fiber optic and telecommunications connectivity from the airport terminal and concourses to their general office and other facilities on the airport; and

WHEREAS, Delta Air Lines considers the communications duct a business critical element and Delta and the City wish to memorialize this use of City property as an easement; and

WHEREAS, the term of the easement will not exceed the termination or expiration of the General Office Area Expansion Lease, the Technical Operations Center and Central Terminal Support Area Lease or the Midfield Support Lease (hereinafter referred to as ("Delta Leases")) with the City; and

WHEREAS, Delta agrees to use the Delta Communications Duct only to support a Delta application or otherwise provide services to Delta; and

WHEREAS, Delta will provide the City with a right to use the Delta Communications Duct for airport related purposes; and

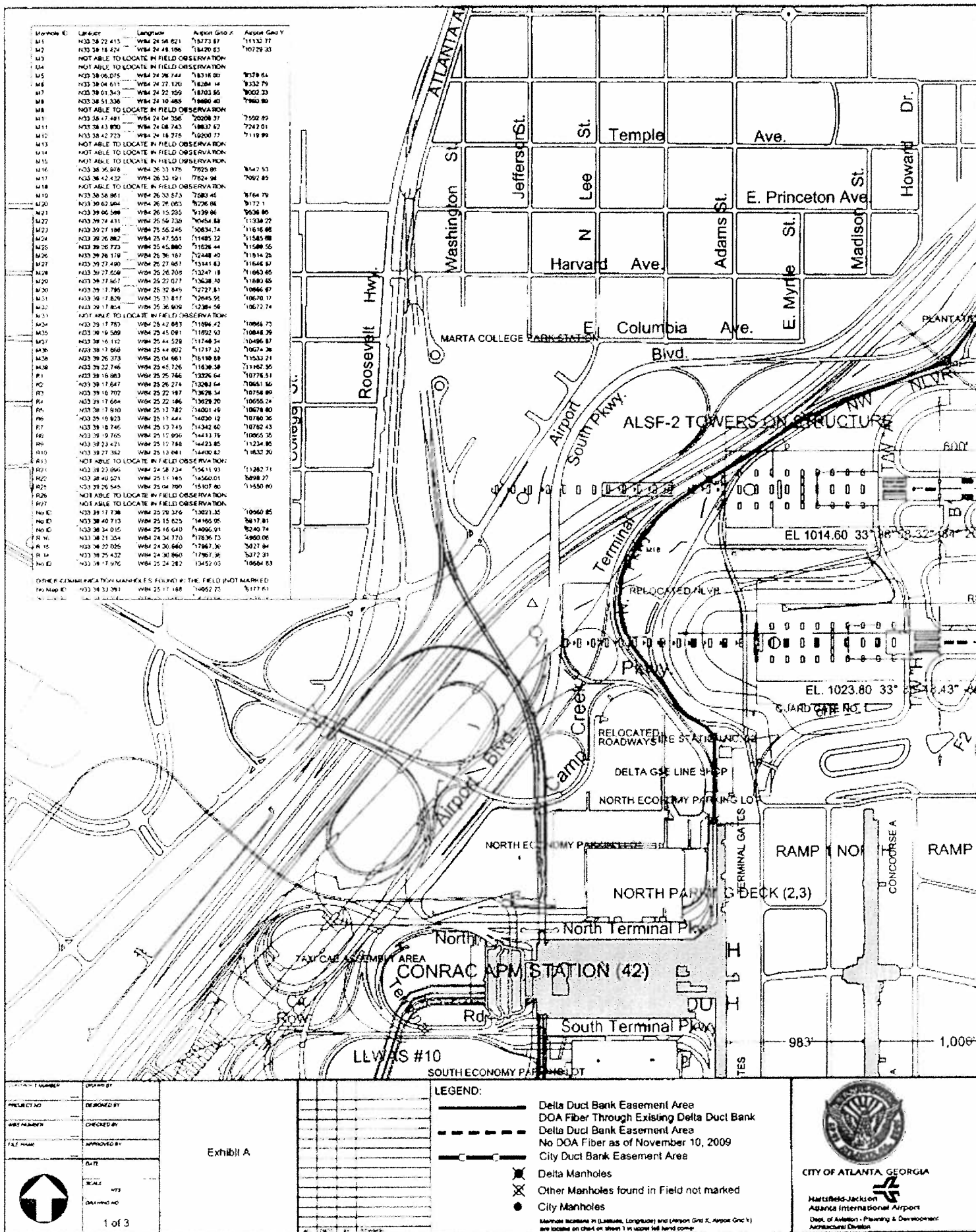
WHEREAS, the City agrees to bear the costs and expenses of relocating the Delta Communications Duct should the City deem the relocation necessary; and

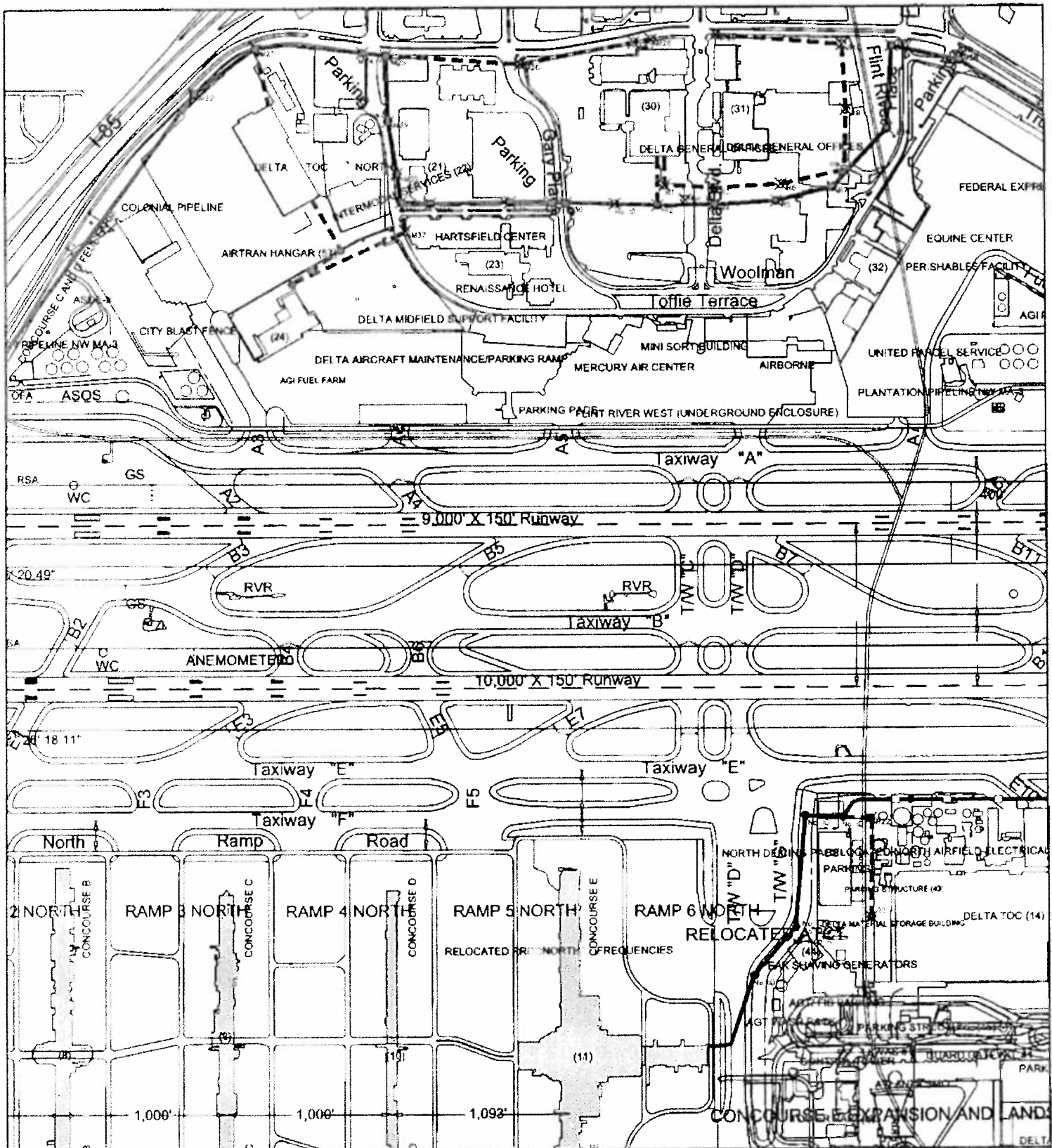
WHEREAS, the Aviation General Manager recommends that the terms of the easement meet the objectives set forth herein.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is hereby authorized to execute, on behalf of the City of Atlanta, an easement to Delta Air Lines for a communications duct provided that the term does not exceed the termination or expiration of the Delta Leases (as defined above), Delta agrees to use the Delta Communications Duct to support a Delta application or otherwise provide services to Delta or its affiliates, Delta allows the City a right to use the communications duct for airport purposes, and the City bears the costs and expenses of relocating the Delta Communications Duct should the City request the relocation and deem it necessary.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare said easement for execution by the Mayor, with same to be approved as to form by the City Attorney.

BE IT FINALLY RESOLVED, that said Easement shall not become binding on the City and the City shall incur no liability hereunder until the same has been signed by the Mayor and delivered to Delta.





<p>2 of 3</p>	<p>Exhibit A</p>	<p>LEGEND:</p> <ul style="list-style-type: none"> — Delta Duct Bank Easement Area - - - DOA Fiber Through Existing Delta Duct Bank - - - Delta Duct Bank Easement Area - - - No DOA Fiber as of November 10, 2009 - - - City Duct Bank Easement Area ⊗ Delta Manholes ⊗ Other Manholes found in Field not marked ● City Manholes <p><small>Manhole locations in (1) Delta, (2) Douglas, and (3) Airport One, Airport Two, and Airport Three are shown on sheet on sheet 1 in upper left hand corner.</small></p>	 <p>CITY OF ATLANTA, GEORGIA</p> <p>Hartsfield-Jackson Atlanta International Airport</p> <p><small>Dept. of Aviation - Planning & Development Architectural Division</small></p>
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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The Aviation General Manager requests authorization to grant Delta Air Lines a non-exclusive easement for a communications duct that houses fiber optic cabling and other telecommunications lines, connecting the airport terminal and concourses with the various Delta facilities on and around the airport. In exchange for the non-exclusive easement, Delta will provide the City with a right to use the communications duct for HJAIA related telecommunications needs.

2. Please provide background information regarding this legislation.

The communications duct was developed in phases in the 1980s and 1990s at Delta's risk to provide some linkage between the airport and their general office. It was subsequently extended to other facilities and partially relocated as part of the Taxiway V project. Delta now wishes to memorialize the communications line with a non-exclusive easement across HJAIA property. In exchange for granting the non-exclusive easement, Delta will allow HJAIA to collocate communications cabling in the duct for airport uses. This will provide significant savings on pending and future HJAIA projects requiring communications connectivity by utilizing and branching off existing nodes in the Delta Communications Duct instead of laying an independent HJAIA telecommunications loop around the airport.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Non-exclusive easement

(b) **Source Selection:** N/A

- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: Not to exceed the termination or expiration of all the Delta leases with the City

4. Fund Account Center (Ex. Name and number): N/A

Fund: _____ Account: _____ Center: _____

5. Source of Funds: N/A

6. Fiscal Impact: Utilizing Delta's Communications Duct for our telecommunications loop can reduce project costs by 75%, or \$150 per foot. Over the length of the loop, the estimated savings are more than \$2,300,000.

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Jalal Slade, 404-456-8351

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

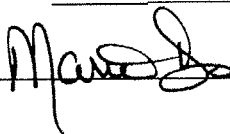
Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 01/12/10

Anticipated Committee Meeting Date(s): 01/27/09

Anticipated Full Council Date: 02/01/10

Commissioner Signature: 


CAPTION

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FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 1.8.10 Reviewed by:  1/15/10
(date) (date)

Submitted to Council: _____
(date)